

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01020-RDM**

CAUSE OF ACTION INSTITUTE v. UNITED STATES
DEPARTMENT OF THE ARMY
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 05/31/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CAUSE OF ACTION INSTITUTE

represented by **Julie A. Smith**
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 499-4232
Fax: (202) 330-5842
Email: julie.smith@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lee A. Steven
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 400-2723
Fax: (202) 330-5842
Email: lee.steven@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Patrick Mulvey
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 499-4232
Fax: (202) 330-5842
Email: ryan.mulvey@causeofaction.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF THE ARMY**

represented by **Derrick Wayne Grace**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2574
Fax: (202) 514-8780
Email: derrick.grace@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Leon Drezner
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch

1100 L Street NW
Room 12210
Washington, DC 20005
(202) 514-4505
Fax: (202) 616-8470
Email: Michael.L.Drezner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/31/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-4548242) filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Civil Cover Sheet, # <u>9</u> Summons Department of the Army, # <u>10</u> Summons U.S. Attorney General, # <u>11</u> Summons Civil Process Clerk)(Smith, Julie) (Entered: 05/31/2016)
05/31/2016	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CAUSE OF ACTION INSTITUTE (Smith, Julie) (Entered: 05/31/2016)
05/31/2016	<u>3</u>	NOTICE of Appearance by Ryan Patrick Mulvey on behalf of CAUSE OF ACTION INSTITUTE (Mulvey, Ryan) (Entered: 05/31/2016)
06/01/2016		Case Assigned to Judge Randolph D. Moss. (dr) (Entered: 06/01/2016)
06/01/2016	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF THE ARMY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form)(sb) (Entered: 06/01/2016)
06/01/2016	<u>5</u>	NOTICE of Appearance by Lee A. Steven on behalf of CAUSE OF ACTION INSTITUTE (Steven, Lee) (Entered: 06/01/2016)
06/08/2016	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE ARMY served on 6/7/2016 (Mulvey, Ryan) (Entered: 06/08/2016)
06/08/2016	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/6/2016. (Mulvey, Ryan) (Entered: 06/08/2016)
06/08/2016	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/8/2016. Answer due for ALL FEDERAL DEFENDANTS by 7/8/2016. (Mulvey, Ryan) (Entered: 06/08/2016)
06/22/2016	<u>9</u>	NOTICE of Appearance by Derrick Wayne Grace on behalf of UNITED STATES DEPARTMENT OF THE ARMY (Grace, Derrick) (Entered: 06/22/2016)
06/22/2016		MINUTE ORDER: The parties shall appear for a status conference on July 5, 2016 at 10:30 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 6/22/2016. (lcrdm1,) (Entered: 06/22/2016)
06/22/2016		Set/Reset Hearings: A Status Conference is set for 7/5/2016, at 10:30 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 06/22/2016)
06/24/2016	<u>10</u>	Consent MOTION for Extension of Time to File Answer <i>and Joint Motion to Continue Status Conference</i> by UNITED STATES DEPARTMENT OF THE ARMY (Grace, Derrick) (Entered: 06/24/2016)
06/24/2016		MINUTE ORDER: Upon consideration of the Consent Motion for Extension of Time <u>10</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall answer or otherwise respond to the complaint on or before July 29, 2016. The status conference previously scheduled for July 5, 2015, is hereby continued to August 2, 2016, at 10 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 6/24/2016. (lcrdm1,) (Entered: 06/24/2016)

06/27/2016		Set/Reset Deadlines/Hearings: Defendant shall answer or otherwise respond to the complaint on or before 7/29/2016. The Status Conference set for 7/5/2016 is VACATED and RESCHEDULED for 8/2/2016, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 06/27/2016)
07/19/2016	<u>11</u>	NOTICE of Appearance by Michael Leon Drezner on behalf of UNITED STATES DEPARTMENT OF THE ARMY (Drezner, Michael) (Entered: 07/19/2016)
07/25/2016	<u>12</u>	Consent MOTION for Extension of Time to File Answer <i>and Joint Motion to Continue Status Conference</i> by UNITED STATES DEPARTMENT OF THE ARMY (Drezner, Michael) (Entered: 07/25/2016)
07/25/2016		MINUTE ORDER: Upon consideration of the Consent Motion for Extension of Time <u>12</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall answer or otherwise respond to the complaint on or before September 9, 2016. Plaintiff shall have 21 days to respond to any motion to dismiss filed by Defendant under Fed. R. Civ. P. 12. The status conference previously scheduled for August 2, 2016 is hereby continued to September 13, 2016 at 10 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 7/25/2016. (lcrdm1,) (Entered: 07/25/2016)
07/25/2016		Set/Reset Deadlines/Hearings: Defendant shall answer or otherwise respond to the complaint on or before 9/9/2016. The Status Conference set for 8/2/2016 is VACATED and RESCHEDULED for 9/13/2016, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 07/25/2016)
09/09/2016	<u>13</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF THE ARMY.(Drezner, Michael) (Entered: 09/09/2016)
09/13/2016		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/13/2016. Order forthcoming. (Court Reporter: Jeff Hook). (kt) (Entered: 09/13/2016)
09/13/2016		MINUTE ORDER: The parties are hereby ORDERED to file a joint status report on or before October 13, 2016. The joint status report is to include a proposal for a document processing schedule. Signed by Judge Randolph D. Moss on 9/13/2016. (lcrdm1,) (Entered: 09/13/2016)
09/13/2016		Set/Reset Deadlines: Joint Status Report due on or before 10/13/2016. (kt) (Entered: 09/13/2016)
10/13/2016	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) (Entered: 10/13/2016)
10/14/2016	<u>15</u>	ORDER: See attached document for details. Signed by Judge Randolph D. Moss on 10/14/2016. (lcrdm1,) (Entered: 10/14/2016)
10/14/2016		Set/Reset Deadlines: Joint Status Report due by 1/13/2017. (dot) (Entered: 10/14/2016)
10/21/2016	<u>16</u>	<p>TRANSCRIPT OF PROCEEDINGS before Judge Randolph D. Moss held on September 13, 2016; Page Numbers: 1 – 10. Date of Issuance: October 21, 2016. Court Reporter: Jeff Hook. Contact information: 202–354–3373; jeff_hook@dcd.uscourts.gov. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p>

		Redaction Request due 11/11/2016. Redacted Transcript Deadline set for 11/21/2016. Release of Transcript Restriction set for 1/19/2017.(Hook, Jeff) (Entered: 10/21/2016)
01/13/2017	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) (Entered: 01/13/2017)
01/13/2017		MINUTE ORDER: Upon consideration of the Joint Status Report <u>17</u> , the parties are hereby ORDERED to file a further joint status report on or before April 13, 2017. Signed by Judge Randolph D. Moss on 1/13/2017. (lcrdm1,) (Entered: 01/13/2017)
01/13/2017		Set/Reset Deadlines: The parties are to file a further joint status report on or before 4/13/2017. (kt) (Entered: 01/13/2017)
04/13/2017	<u>18</u>	Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 04/13/2017)
04/13/2017		MINUTE ORDER: Upon consideration of the Joint Status Report <u>18</u> , the parties are hereby ORDERED to file a further joint status report on or before July 12, 2017. Signed by Judge Randolph D. Moss on 4/13/2017. (lcrdm1,) (Entered: 04/13/2017)
04/13/2017		Set/Reset Deadlines: The parties are to file a further Joint Status Report on or before 7/12/2017. (kt) (Entered: 04/13/2017)
07/12/2017	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) (Entered: 07/12/2017)
07/12/2017		MINUTE ORDER: Upon consideration of the Joint Status Report <u>19</u> , the parties are hereby ORDERED to file a further joint status report on or before October 10, 2017. Signed by Judge Randolph D. Moss on 7/12/2017. (lcrdm1,) (Entered: 07/12/2017)
07/12/2017		Set/Reset Deadlines: Joint Status Report due by 10/10/2017. (kt) (Entered: 07/12/2017)
10/10/2017	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) (Entered: 10/10/2017)
10/11/2017		MINUTE ORDER: Upon consideration of the Joint Status Report <u>20</u> , the parties are hereby ORDERED to file a further joint status report on or before January 8, 2018. Signed by Judge Randolph D. Moss on 10/11/2017. (lcrdm1,) (Entered: 10/11/2017)
10/11/2017		Set/Reset Deadlines: Joint Status Report due by 1/8/2018. (dot) (Entered: 10/11/2017)
01/08/2018	<u>21</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) (Entered: 01/08/2018)
01/12/2018		MINUTE ORDER: Upon consideration of the Joint Status Report <u>21</u> , the parties are hereby ORDERED to file a further joint status report on or before February 16, 2018, updating the Court as to what further action, if any, is necessary. Signed by Judge Randolph D. Moss on 1/12/2018. (lcrdm1,) (Entered: 01/12/2018)
01/12/2018		Set/Reset Deadlines: Joint Status Report due by 2/16/2018. (kt) (Entered: 01/12/2018)
02/16/2018	<u>22</u>	Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 02/16/2018)
02/20/2018		MINUTE ORDER: Upon consideration of the Joint Status Report <u>22</u> , it is hereby ORDERED that (1) Defendant shall file its motion for summary judgment on or before April 6, 2018; (2) Plaintiff shall file its opposition and cross-motion for summary judgment on or before May 25, 2018; (3) Defendant shall file its reply and opposition to Plaintiff's cross-motion for summary judgment on or before June 25, 2018; and (4) Plaintiff shall file its cross-reply on or before July 25, 2018. Signed by Judge Randolph D. Moss on 2/20/2018. (lcrdm1,) (Entered: 02/20/2018)
02/20/2018		Set/Reset Deadlines: Defendant's motion for summary judgment due on or before 4/6/2018; Plaintiff's opposition and cross-motion for summary judgment due on or before 5/25/2018; Defendant's reply and opposition to Plaintiff's cross-motion for summary judgment due on or before 6/25/2018; Plaintiff's cross-reply due on or before 7/25/2018. (kt) (Entered: 02/20/2018)

04/02/2018	<u>23</u>	Consent MOTION to Stay <i>Briefing Schedule</i> by UNITED STATES DEPARTMENT OF THE ARMY (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 04/02/2018)
04/02/2018		MINUTE ORDER: Upon consideration of the Consent Motion to Stay Briefing Schedule <u>23</u> , it is hereby ORDERED that the motion is GRANTED. The briefing schedule previously entered on February 20, 2018, is hereby VACATED, and it is hereby ORDERED that the parties file a joint status report on or before April 20, 2018. Signed by Judge Randolph D. Moss on 4/2/2018. (lcrdm1,) (Entered: 04/02/2018)
04/03/2018		Set/Reset Deadlines: Joint Status Report due by 4/20/2018. (kt) (Entered: 04/03/2018)
04/19/2018	<u>24</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) (Entered: 04/19/2018)
04/19/2018		MINUTE ORDER: Upon consideration of the Joint Status Report <u>24</u> , it is hereby ORDERED that: (1) Defendant make a final production of responsive, nonexempt records on or before May 21, 2018; (2) Defendant shall file its motion for summary judgment on or before June 8, 2018; (3) Plaintiff shall file its opposition and cross-motion for summary judgment on or before July 9, 2018; (4) Defendant shall file its reply and opposition to Plaintiff's cross-motion on or before August 10, 2018; (5) Plaintiff shall file its reply in support of its cross-motion on or before September 10, 2018. Signed by Judge Randolph D. Moss on 4/19/2018. (lcrdm1,) (Entered: 04/19/2018)
04/19/2018		Set/Reset Deadlines: Defendant make a final production of responsive, nonexempt records on or before 5/21/2018; Defendant shall file its motion for summary judgment on or before 6/8/2018; Plaintiff shall file its opposition and cross-motion for summary judgment on or before 7/9/2018; Defendant shall file its reply and opposition to Plaintiff's cross-motion on or before 8/10/2018; Plaintiff shall file its reply in support of its cross-motion on or before 9/10/2018. (kt) (Entered: 04/19/2018)
06/08/2018	<u>25</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF THE ARMY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Text of Proposed Order)(Drezner, Michael) (Entered: 06/08/2018)
07/09/2018	<u>26</u>	Cross MOTION for Summary Judgment by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Memorandum in Support, # <u>4</u> Declaration, # <u>5</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 07/09/2018)
07/09/2018	<u>27</u>	Memorandum in opposition to re <u>25</u> MOTION for Summary Judgment filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Statement of Facts, # <u>4</u> Declaration, # <u>5</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 07/09/2018)
08/10/2018	<u>28</u>	REPLY to opposition to motion re <u>25</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Drezner, Michael) (Entered: 08/10/2018)
08/10/2018	<u>29</u>	RESPONSE re <u>26</u> Cross MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Drezner, Michael) (Entered: 08/10/2018)
09/10/2018	<u>30</u>	REPLY to opposition to motion re <u>26</u> Cross MOTION for Summary Judgment filed by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 09/10/2018)
10/05/2018	<u>31</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Rosenberg v. Dept of Def., No. 17-00437 (D.D.C. Sept. 27, 2018))(Mulvey, Ryan) (Entered: 10/05/2018)
10/11/2018	<u>32</u>	RESPONSE re <u>31</u> to Plaintiff's Notice of Supplemental Authority filed by UNITED STATES DEPARTMENT OF THE ARMY. (Drezner, Michael) Modified to add link on 10/19/2018 (znmw). (Entered: 10/11/2018)
07/29/2019	<u>33</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Exhibit Nat. Res. Def. Council v. Env'tl. Prot. Agency, No. 17-5928 (S.D.N.Y. July 25, 2019), # <u>2</u> Exhibit Judicial Watch, Inc. v. Dep't of

		Commerce, No. 17-1283 (D.D.C. Mar. 22, 2019))(Mulvey, Ryan) (Entered: 07/29/2019)
09/29/2019	<u>34</u>	MEMORANDUM OPINION AND ORDER: Upon consideration of Defendant's motion for summary judgment <u>25</u> and Plaintiff's cross-motion for summary judgment <u>26</u> , it is hereby ORDERED that Defendant's motion is GRANTED in part and DENIED in part and that Plaintiff's motion is DENIED. See document for details. Signed by Judge Randolph D. Moss on 09/29/19. (lcrdm3,) (Entered: 09/29/2019)
10/08/2019		MINUTE ORDER: In light of the Court's memorandum opinion and order <u>34</u> , the parties are hereby ORDERED to file a joint status report proposing next steps for this proceeding on or before October 18, 2019. Signed by Judge Randolph D. Moss on 10/8/19. (lcrdm3) (Entered: 10/08/2019)
10/08/2019		Set/Reset Deadlines: Joint Status Report due by 10/18/2019. (kt) (Entered: 10/08/2019)